

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 11, 2012

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Mike Owens, Chair; Eunice Beatty, Will Berkley, Carla Blanton, Mike Cravens, Karen Mundy, Lynn Roche-Phillips and Carolyn Plumlee. Patrick Brewer, Frank Penn and William Wilson were absent.

Planning Staff Present – Chris King, Director; Bill Sallee; Tom Martin; Barbara Rackers; Chris Taylor; Cheryl Gallt; Dave Jarman and Denise Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Captain Charles Bowen, Division of Fire and Emergency Services; Jeff Neal, Division of Traffic Engineering; Tim Queary, Department of Environmental Quality and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – A motion was made by Mr. Cravens, seconded by Ms. Beatty, and carried 8-0 (Brewer, Penn and Wilson absent) to approve the minutes of the September 13, 2012, Planning Commission meeting.

- III. **POSTPONEMENTS OR WITHDRAWALS** – The Chair asked if there were any requests for postponement and withdrawal to be considered.

- a. PLAN 2012-101P: TUSCANY, UNIT 8 (12/3/12)* - located at 1970 Winchester Road.
(Council District 6)

(EA Partners)

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan and required street tree information.
6. Denote construction access location.
7. Addition of street right-of-way acreage to site statistics.
8. Resolve addition of tree protection areas and possible utility easement conflict.
9. Discuss existing and proposed "A-A" cross-section on Battery Street, and Comprehensive plan recommendation for a collector street.

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2012-101P: TUSCANY, UNIT 8 to the November 8, 2012, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Blanton, seconded by Mr. Cravens and carried 8-0 (Brewer, Penn and Wilson absent) to postpone PLAN 2012-101P: TUSCANY, UNIT 8 to the November 8, 2012, Planning Commission meeting.

- b. PLAN 2012-103F: FULLER ET AL. & MEADOWTHORPE COMMUNITY BUSINESS CENTER, UNIT 1 (AMD) (12/3/12)* - located at 1315 and 1317 West Main Street. (Council District 2) **(2020 Land Surveying)**

Note: The purpose of this amendment is to subdivide 1315 and 1317 West Main Street into three lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Addition of north arrow.
7. Correct owner's certification (misspelled word).
8. Addition of utility easement to 10' building line.

Representation – Justin Drury, 2020 Land Surveying, was present representing the applicant, and requested postponement of PLAN 2012-103F: FULLER ET AL. & MEADOWTHORPE COMMUNITY BUSINESS CENTER, UNIT 1 (AMD) to the November 8, 2012, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

* - Denotes date by which Commission must either approve or disapprove request.

Action - A motion was made by Ms. Beatty, seconded by Ms. Plumlee and carried 8-0 (Brewer, Penn and Wilson absent) to postpone PLAN 2012-103F: FULLER ET AL. & MEADOWTHORPE COMMUNITY BUSINESS CENTER, UNIT 1 (AMD) to the November 8, 2012, Planning Commission meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, October 4, 2012, at 8:30 a.m. The meeting was attended by Commission members: Will Berkley, Mike Owens, Carolyn Plumlee and Karen Mundy. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Chris Taylor, Dave Jarman, Denise Bullock, Kenzie Gleason and Cheryl Gallt, as well as Captain Charles Bowen, Division of Fire & Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

A. CONSENT AGENDA - NO DISCUSSION ITEMS – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At this time, the Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of these items and the staff had recommended reapproval for the remaining two items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2012-99P: HILLENMEYER PROPERTY, UNIT 2 (12/3/12)* - located at 2405 Sandersville Road.
(Council District 2) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan and required street tree information.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Greenspace Planner's approval of the treatment of greenways and greenspace.
 8. Denote greenway/floodplain area per note #10 from ZDP 2005-161.
 9. Denote record plat reference for adjacent properties (Non Building Minor "N-10").
 10. Denote that KU pole line easement will be relocated by underground electric service.
 11. Denote access to detention basins to the approval of the Division of Water Quality.
 12. Resolve the scope of building permit restrictions in relation to access to Greendale Road and Sandersville Road.
 13. Resolve stone walls in relation to proposed road improvements.
2. PLAN 2012-100P: SFH PROPERTY (12/3/12)* - located at 2373 Sandersville Road.
(Council District 2) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan and required street tree information.

* - Denotes date by which Commission must either approve or disapprove request.

6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Greenspace Planner's approval of the treatment of greenways and greenspace.
 8. Rotate vicinity map to the same orientation as plan.
 9. Denote width of easements.
 10. Addition of contour elevations.
 11. Denote maintenance responsibility of HOA area.
 12. Denote: This property shall comply with the Stone Fence Ordinance (per ZDP 2006-49).
 13. Denote location of stone wall on plan (per ZDP 2006-49).
 14. Addition of note #10 from the Preliminary Development Plan referencing the Division of Emergency Management and fuel tanks.
 15. Correct note #7 to read the "Division of Engineering Manuals."
 16. Denote that KU line shall be relocated during development to remove conflict with proposed building lots.
 17. Denote location of storm water basin.
 18. Resolve proposed widening of Sandersville Road in relation to existing stone wall.
 19. Denote that access to detention basin on adjacent property will be to the approval of the Division of Water Quality.
 20. Resolve the scope of building permit restrictions in relation to access to Greendale Road and Sandersville Road.
3. PLAN 2012-109F: LFUCG & ANNEX PARKING GARAGE (12/25/12)* - located at 150 & 162 East Main Street.
(Council District 3) **(Abbie Jones)**

Note: The purpose of this request is to subdivide the parking annex garage property into four lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Addressing Office's approval of street names and addresses.
 4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 5. Correct surveyor's certification.
 6. Improve the legibility of note #7.
 7. Review by the Technical Committee prior to certification.
4. PLAN 2011-25F: HAMBURG PLACE OFFICE PARK, LOT 12 (AMD) (1/2/13)* - located on Pink Pigeon Parkway and Vendor Way. (Council District 6) **(Vision Engineering)**

Note: The Planning Commission originally approved this plan on March 10, 2011, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection area(s).
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Revise plan to remove all consolidation information.
8. Correct plan title.
9. Addition of maintenance note per Article 5-4(g) of the Subdivision Regulations.
10. Provide inset of lot line between lots 12B and 8 (due to scale).
11. Revise purpose of amendment note.
12. Title "Owner's Certification."
13. Delete lines in Vendor Way to clarify it is not being dedicated by this plat.

Note: The applicant now requests reapproval of the plan.

The Staff Recommends: **Reapproval**, subject to the original conditions, revising two conditions, and adding the following condition:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 14. Delete proposed Lots 13 & 14 from plan.
5. DP 2012-79: BLUEGRASS EXECUTIVE PARK, UNIT 1-B, BLOCK F, LOT 1 (11/28/12)* - located at 2280 Thunderstick Drive. (Council District 6) **(John Kingston)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.

* - Denotes date by which Commission must either approve or disapprove request.

4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Division of Water Quality's approval of a note regarding water quality.
 9. Division of Fire's approval of emergency access and fire hydrant locations.
 10. Division of Waste Management's approval of refuse collection.
 11. Addition of adjacent property information.
 12. Street tree deposit fee must be submitted prior to plan certification.
 13. Complete the 25' setback and denote the FEMA floodplain information.
 14. Correct special landscape notes.
6. DP 2012-80: NEWMARKET PROPERTY, PHASE 1, UNIT 6 (AMD) (1/2/13)* - located at 1501 Deer Haven Lane (a portion of). (Council District 12) **(EA Partners)**

Note: This property requires the posting of a sign and an affidavit of such. The purpose of this amendment is to amend the lot standards and increase the number of lots by 28.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Division of Fire's approval of emergency access and fire hydrant locations.
 8. Delete either note #9 or #16 (redundant).
 9. Correct note #4 to reference Article 16 of the Code of Ordinances.
 10. Revise amendment note to include lot increase and development standards.
 11. Resolve note #13 relative to new school development across Polo Club Boulevard.
7. DP 2012-81: FAYETTE INDUSTRIAL PARK, LOT 7 (12/3/12)* - located at 3851 Mall Road. **(Vision Engineering)**
(Council District 9)

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan.
 6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Fire's approval of emergency access and fire hydrant locations.
 8. Division of Waste Management's approval of refuse collection.
 9. Division of Water Quality's approval of grease trap note(s).
 10. Denote type of trees in the existing canopy.
 11. Depict building in compliance with Article 12-7(b) of the Zoning Ordinance along the rear wall.
 12. Denote that apron in center of property will be removed prior to issuance of an Occupancy Permit.
 13. Resolve possible conflict between building and storm drainage pipes to the approval of the Division of Water Quality.
 14. Resolve extent of existing tree canopy depicted versus the existing canopy to be removed.
8. DP 2011-19: HAMBURG PLACE OFFICE PARK, LOT 12-A (AMD) (1/2/13)* - located on Pink Pigeon Parkway and Vendor Way. (Council District 6) **(Vision Engineering)**

Note: The Planning Commission originally approved this plan at their March 10, 2011, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Addition of proposed easements on Lot 13.

Note: The applicant now requests a reapproval of this plan.

* - Denotes date by which Commission must either approve or disapprove request.

The Staff Recommends: **Reapproval**, subject to the original conditions.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission or the audience to permit discussion. He noted that DP 2012-80: NEWMARKET PROPERTY, PHASE 1, UNIT 6 (AMD) required a Memorandum to be distributed to the Commission about this development and its compliance with the Expansion Area Master Plan. He also noted that that plan also required an affidavit to be submitted for the posting of a sign, and added that the staff had received that documentation and it appeared to be in order.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Ms. Roche-Phillips said that due to the number of conditions listed on the agenda for PLAN 2012-100P: SFH PROPERTY, she requested that it be removed from the Consent Agenda to allow further discussion.

The Chair noted that the Commission previously postponed PLAN 2012-103F at the applicant's request, and a request had been made for PLAN 2012-100P to be heard by the full Commission.

Action - A motion was made by Mr. Berkley, seconded by Ms. Mundy and carried 8-0 (Brewer, Penn and Wilson absent) to approve the remaining items listed on the Consent Agenda, removing PLAN 2012-100P: SFH PROPERTY.

B. DISCUSSION ITEMS – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

1. PRELIMINARY SUBDIVISION PLANS

- a. PLAN 2012-100P: SFH PROPERTY (12/3/12)* - located at 2373 Sandersville Road.
(Council District 2) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Rotate vicinity map to the same orientation as plan.
9. Denote width of easements.
10. Addition of contour elevations.
11. Denote maintenance responsibility of HOA area.
12. Denote: This property shall comply with the Stone Fence Ordinance (per ZDP 2006-49).
13. Denote location of stone wall on plan (per ZDP 2006-49).
14. Addition of note #10 from the Preliminary Development Plan referencing the Division of Emergency Management and fuel tanks.
15. Correct note #7 to the "Division of Engineering Manuals."
16. Denote that KU line shall be relocated during development to remove conflict with proposed building lots.
17. Denote location of storm water basin.
18. Resolve proposed widening of Sandersville Road in relation to existing stone wall.
19. Denote that access to detention basin on adjacent property to the approval of the Division of Water Quality.

* - Denotes date by which Commission must either approve or disapprove request.

20. Resolve the scope of building permit restrictions in relation to access to Greendale Road and Sandersville Road.

Staff Presentation – Ms. Gallt presented the staff report on the preliminary subdivision plan for the SFH property located at 2373 Sandersville Road. She directed the Commission's attention to the rendering and briefly oriented them to the overall area and to the surrounding street system. She said that the subject property is located just off Greendale Road along Sandersville Road. She then said that this single family residential development is approximately 13.94 acres in size and will consist of 79 buildable lots and 1 homeowner's association lot.

Ms. Gallt said that the Subdivision Committee had recommended approval of this item, subject to the conditions listed on today's agenda, and that the staff had received a revised submittal on October 10th that addressed several of the issues previously identified by the Subdivision Committee. She directed the Commission's attention to the staff handout that was previously distributed and briefly explained that conditions #1-7 are standard sign-off conditions from the different divisions of the LFUCG; and the remaining conditions are "clean-up" items that need to be addressed by the applicant's engineer. She added that several of the conditions listed were addressed with the recent submission and have been removed. Based upon that submission, the staff is recommending approval of this plan, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
- ~~8. Rotate vicinity map to the same orientation as plan.~~
- ~~9. Denote width of easements.~~
- ~~10. Addition of contour elevations.~~
- ~~11. Denote maintenance responsibility of HOA area.~~
- ~~12. Denote: This property shall comply with the Stone Fence Ordinance (per ZDP 2006-49).~~
- ~~13. Denote location of stone wall on plan (per ZDP 2006-49).~~
8. 14. Addition of note #10 from the Preliminary Development Plan referencing the Division of Emergency Management and fuel tanks.
9. 15. Correct note #7 to the "Division of Engineering Manuals."
- ~~16. Denote that KU line shall be relocated during development to remove conflict with proposed building lots.~~
- ~~17. Denote location of storm water basin.~~
10. 18. Resolve proposed widening of Sandersville Road in relation to existing stone wall.
11. 19. Denote that access to detention basin on adjacent property to the approval of the Division of Water Quality.
12. 20. Resolve the scope of building permit restrictions in relation to access to Greendale Road and Sandersville Road (requiring two access points for emergency services).

Representation – Rory Kahly, EA Partners, was present representing the applicant. He said that they are in agreement with the revised conditions distributed, but based upon the comments made by the Technical Committee he believed that condition #9 had been addressed with the new submission. He added that the staff had given him a specific note to place on the plan, which he had done. He said that condition #9 reflects the comments made at the Technical Committee meeting and requested that it be changed to read: "Correct note #7 to the Division of Engineering Manuals Division of Water Quality." That being said, he would be agreeable to the remaining conditions.

Mr. Owens asked if the staff was agreeable to that change. Mr. Saltee replied affirmatively.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Doug Cauthen, 2320 Sandersville Road, was present representing himself as well as Jim Schneider, Spring Valley Golf Course. He said that they are not opposed to this development, but they are concerned with the maintenance of the greenspace areas, the rock wall and the existing roads that provide character to this area. He directed the Commission's attention to a series of photographs and gave a brief description of each. He said that there are several mature trees in this area, and they understand that the land will need to be graded; but they do not want the viewshed from the road to show the houses that will be built just behind the rock wall (i.e., Georgetown Road). He then said that they felt this area should be preserved and the trees that are removed should be replanted/replaced to help keep this area nice, which would maintain the value of the land.

Planning Commission Questions – Mr. Owens asked for input from Tim Queary, LFUCG Urban Forester. Mr. Queary said that the applicant has already removed every possible tree that can be removed from the old nursery area, and what remains on the land could possibly stay. He then said that most of the landscaping in this area is from the old Hillenmeyer Nursery, adding that he does not want to mislead citizens by saying that all these trees will remain; because as the land is developed, some trees will need to be removed. He added that, as trees are removed, the applicant is required to plant trees back on the development to meet the requirements.

Mr. Owens asked what will happen to the existing trees along the rock wall. Mr. Queary said that he sees no reason to remove any of the trees between the public right-of-way and the rock wall. Mr. Cauthen said that he wants to keep the right-of-way area green and preserve those trees. Mr. Kahly said that his clients have taken trees from other developments and placed them on new developments to obtain the tree canopy requirement. However, one caveat for this development that they are aware of is the cross-section of Sandersville Road. He said that 30 feet from the center line of Sandersville Road will be dedicated right-of-way up to 15 feet behind the rock wall. He added that there will be an additional 8 feet of area dedicated as the multiuse trail. He wanted to make sure that it is understood that they have to comply with the stone fence ordinance, while providing the multiuse trail, all of which will require grading and some tree removal.

Ms. Roche-Phillips asked what the rules are, should the stone wall be damaged. Mr. Kahly said that he does not know if there is a requirement to maintain the stone wall, but it can not be removed without the Division of Historic Preservation's approval. He added that condition #10 speaks to resolving the proposed widening of Sandersville Road in relation to the existing stone wall. If Sandersville Road is not widened, then the paved roadway would be further from the fence.

Ms. Roche-Phillips said that, for the record, she believes the stone wall defines the character of the area and encouraged the developers to do everything they can to maintain it, as well as possibly enhance the existing fence. Mr. Kahly said that, typically, if the rock wall is in the right-of-way, it would not be the land owner's responsibility to maintain. However, they have agreed to maintain the rock wall in compliance with the ordinance even though it is within the right-of-way.

Ms. Beatty confirmed that when the multiuse trail is built, some of the trees would be removed. Mr. Kahly replied affirmatively, and said that, in order to put utilities and the multiuse trail, in the existing vegetation that has been neglected will need to be removed. Ms. Beatty asked if that has traditionally been done. Mr. Kahly said that the 8-foot-wide multiuse trail has been shown since the zone change was originally approved by the Commission.

In response to the question from Mr. Cauthen, Mr. Kahly said that the cross-section shows the stone wall, then about 3 feet to the 8-foot wide trail, then about 5 more feet after that, ending at the right-of-way, where the property line starts.

Ms. Plumlee asked about the required tree canopy. Mr. Kahly said that the tree canopy requirements are 30 percent of the developed area. He then said that if the site was 100 percent treed, then 70 percent of those trees could be removed and there is no requirement for replacement. He added that this proposal is just less than 14 acres, which will require 2.4 acres of tree canopy once the land is fully developed. This includes whatever is kept in the right-of-way, the homeowner's association lots and the street trees. He said that when the final record plat is submitted, a note is added to denote the number of trees that are required for each lot to meet the tree canopy requirements. He then said that there is no "remove a tree, plant a tree" rule. The rule is to have 30 percent of the development for the tree canopy requirement achieved at the end of the development.

Mr. Owens asked if there would be landscaping provided for the greenspace area along the multiuse trail or on the HOA lot. Mr. Kahly replied that there probably would be, and said that, at this time, they do not know what would be required since this is a preliminary subdivision plan. Mr. Owens asked if the applicant would be agreeable to landscape these areas, particularly the trails. Mr. Kahly replied affirmatively, and said that Ball Homes has provided landscaping within other developments, noting that this multiuse trail will follow along with the adjacent developments.

Mr. Owens said that, since this is a preliminary subdivision plan, it would allow the applicant to start constructing the infrastructure and asked if they would be submitting a final development plan to the Commission in the future. Mr. Kahly said that they would instead be submitting a final record plat to the Commission. Mr. Sallee confirmed that that would be the process.

Mr. Cauthen said that he thought the trail was to be located 10 feet from the stone wall. Mr. Kahly said that it is 3 feet behind the wall, and the right-of-way is +/- 5 feet past the trail. Mr. Cauthen said that every large tree within 3 feet of the stone wall would be impacted. He asked what good the landscaping plan is if the goal is to maintain the stone wall and the character of this area. He added that, for the record, he would commit \$20,000 toward evergreens for the landscaping to keep this area nice. He said that there has been so much time invested in preserving older buildings in this area, and this is an opportunity to preserve the character of this area.

Mr. Kahly asked if the multiuse trail could meander through the greenway area to help keep the larger trees. Mr. Owens asked if Mr. Kahly would be agreeable to a condition being added to resolve the landscaping trail and the location of the trail at the time of the final development plan. Mr. Kahly said that if this request is certified, it would then allow construction to be started. He then said that at the time of the final record plat, the infrastructure would be in place, and the trail would not be constructed prior to the plat going to record. He believed that, at the final record plat stage, they would have a better idea of how the trail could meander through the area. He added that it would be reasonable to review at the final record plat stage. Mr. Owens asked if the staff was agreeable.

Mr. Sallee said that the staff agreed with Mr. Kahly's statement, adding that at the final record plat stage the staff could more closely review the location of the multiuse trail closer.

Ms. Roche-Phillips asked if the area behind the fence would be given extra attention when the water and storm sewer lines are installed. Mr. Kahly said that the path of the water and sewer lines is not known at this time. Ms. Roche-Phillips said that by the time the final record plat is submitted it may be too late to preserve this area due to the grading of the ground. Mr. Kahly said that the right-of-way would still need to be dedicated, and there is the possibility that the Divisions of Engineering and Traffic Engineering may not want to widen the road this area. He then said that the Division of Engineering would be reviewing the storm sewer drainage path and location; and those lines would need to be at the lowest point for gravity. He added that he did not see any other areas on this development that would be disturbed, other than for the utilities. Ms. Roche-Phillips said that the Commission has no other choice other than to review this at the time of the final record plat.

Mr. Owens asked if Mr. Cauthen was agreeable to the proposed language. Mr. Cauthen replied affirmatively, but added that he is concerned that the larger trees may be removed for the sewer line. He then said that condition #5 does require a tree protection plan to be approved.

Ms. Plumlee asked what the width of the trail would be. Mr. Kahly said that the trail would be 8 feet wide, and it could meander around the trees or close to the rock wall to make the trail more interesting.

Ms. Beatty said that it was suggested that a 13th condition be added to the staff's recommendation that would read: "Resolve landscaping and trail location at the time of the final development plan." Mr. Owens agreed. Mr. Martin said that the condition should be amended to read "final record plat" and not "final development plan." Ms. Beatty then asked if the tree protection plan was covered under condition #5. Mr. Owens replied affirmatively.

Action - A motion was made by Ms. Beatty, and seconded by Mr. Cravens to approve PLAN 2012-100P: SFH PROPERTY, subject to the revised conditions as presented by the staff, and adding a 13th condition to read: "Resolve landscaping and trail location at the time of Final Record Plat."

Discussion of Motion – Ms. Blanton said that Mr. Kahly requested that condition #9 be changed to read: "Correct note #7 to the approval of the Division of Water Quality." Mr. Owens said that that was correct, and he asked if the motion could be amended to reflect that request. Ms. Beatty and Mr. Cravens both agreed.

Amended Action - A motion was made by Ms. Beatty, seconded by Mr. Cravens and carried 8-0 (Brewer, Penn and Wilson absent) to approve PLAN 2012-100P: SFH PROPERTY, subject to the revised conditions as presented by the staff, changing condition #9 to read: "Correct note #7 to the approval of the Division of Water Quality" and adding a 13th condition to read: "Resolve landscaping and trail location at the time of Final Record Plat."

- b. PLAN 2012-102P: TUSCANY, UNITS 2 & 3 (AMD) (12/3/12)* - located at 1970 Winchester Road.
(Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to revise the street and lotting pattern.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan and required street tree information.
6. Denote construction access location.
7. Addition of private utility information.
8. Provide acreage of street right-of-way in site statistics.
9. Denote source of contours.
10. Denote post-development floodplain (Unit 3) on Lots 3-21, as per previous Preliminary Subdivision Plan.
11. Denote location of new or nearest storm water basin.
12. Discuss resulting lot depth (171') from Villa Medici Pass.
13. Discuss improvements necessary at Old Rosebud Road and Sir Barton Way intersection.

Staff Presentation – Mr. Taylor presented the amended preliminary subdivision plan for Tuscan, Units 2 & 3 for property located at 1970 Winchester Road. He presented an aerial photograph to the Commission and oriented them to the overall area and to the surrounding street system. He said that the subject property is located at the corner of Old Rosebud Road and Villa Medici Pass, and is in a Planned Neighborhood Residential (R-3). He then said that the property is approximately 22.53 acres, and is proposed for 113 single family residential dwelling units.

* - Denotes date by which Commission must either approve or disapprove request.

Mr. Taylor said that the Subdivision Committee had recommended approval of this preliminary subdivision plan, subject to the conditions listed on today's agenda. He then said that the staff had received a revised submittal on October 10th that had addressed several of the issues previously identified at the Subdivision Committee meeting last week. He briefly explained that conditions #1-5 are standard sign-off conditions from the different divisions of the LFUCG; and the remaining conditions are "clean-up" items that need to be addressed by the applicant's engineer.

Mr. Taylor said that there was one concern with the revised submittal and that was the post development floodplain area on Lots 1 through 9. He then said that the applicant had added a note to the plan that referred to the 100-year backwater beyond the tree protection area to be eliminated at a later date with an amended flood study. The staff is recommending that Lots 1 through 9 be removed from the plan since, at this time, those lots are non-buildable. It can be revisited when the flood study has been updated.

Mr. Taylor said that, on a previous amended development plan, notes were listed that related to the future installation of a traffic signal at the intersection of Sir Barton Way and Old Rosebud Road. He then said that the cost of this improvement would be split between the Tuscany Development and the Hamburg Development when the signal is warranted and installed. The staff met with Traffic Engineering; and, at this time, the signal is not warranted. He said that the staff is recommending for those notes to be carried over to this preliminary subdivision plan for future request.

Mr. Taylor said that the staff is recommending **Approval**, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan and required street tree information.
- ~~6. Denote construction access location.~~
- ~~7. Addition of private utility information.~~
6. Provide acreage of street right-of-way in site statistics.
- ~~9. Denote source of contours.~~
- ~~10. Denote post development floodplain (Unit 3) on Lots 3-21, as per previous Preliminary Subdivision Plan.~~
- ~~11. Denote location of new or nearest storm water basin.~~
- ~~12. Discuss resulting lot depth (171') from Villa Medici Pass.~~
- ~~13. Discuss improvements necessary at Old Rosebud Road and Sir Barton Way intersection.~~
7. Remove Lots 1 – 9 from plan.
8. Addition of notes #13 & #14 from DP 2011-86.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He said that they are in agreement with conditions #1-6 and #8, but requested that condition #7 be removed. He said that Lots 1 through 9 are associated with an EA Partners backwater flood study that was done in 2005. He then said that is not a FEMA floodplain area, and what they have shown on the plan is based upon their study of the area. He added that as development comes close to Lots 1 through 9 the flood study would be updated.

Planning Commission Questions – Mr. Owens said that the issue with Lots 1-9 had not been discussed at the Subdivision Committee. Mr. Taylor said that the 25' setback was not shown on the original submittal and with the revised submission (Oct. 10th), a floodplain setback now shown would yield no buildable lots. He then said that this is not a FEMA regulatory floodplain and the 25-foot setback might not be necessary. This is the first opportunity the staff has had to discuss this issue and those lots need to have buildable areas to remove the new conflict.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Planning Commission Questions – Mr. Owens commented that, with this being a revised submittal, he would have thought any concerns would have been resolved prior to today's meeting. He then said that the Commission could move forward or the applicant could continue this item for one month to resolve those concerns. Mr. Taylor said that the staff informed the applicant of their concern and placed that condition on the revised recommendation distributed today in an effort to resolve that issue and move this plan forward.

Ms. Mundy commented that this is not in a FEMA regulatory flood plain, but it is based upon a study conducted by EA Partners, which Mr. Taylor confirmed. Ms. Mundy asked if a note could be added denoting that there is not a FEMA regulatory floodplain on those lots. Mr. Taylor referred the question to the Division of Engineering. Mr. Newman said that a note could be added to denote the condition on those lots and restrict recordation of a Final Plat until a flood study is updated. Mr. Taylor said that it would be appropriate to have that change done before the lots area recorded. Mr. Sallee suggested the following change:

7. Remove Denote Lots 1 – 9 from plan will not be recorded until a revised flood study is submitted.

* - Denotes date by which Commission must either approve or disapprove request.

Mr. Owens asked if all parties are agreeable, to which they replied affirmatively.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 7-1 (Plumlee opposed; Brewer, Penn and Wilson absent) to approve PLAN 2012-102P: TUSCANY, UNITS 2 & 3 (AMD), subject to the revised conditions as presented by the staff.

- c. PLAN 2005-3P: PATCHEN WILKES, UNIT 1 (AMD) (1/2/13)* - located at 1811 Winchester Road.
(Council District 6) **(EA Partners)**

Note: The Planning Commission originally approved this plan on January 13, 2005, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Urban Forester's approval of tree preservation plan.
4. Correct site statistics.
5. Division of Fire's approval of revised street and alleyway layout.

Note: This plan was certified on June 9, 2006, but Commission approval has since expired for the undeveloped portion of the development.

Note: The applicant now requests reapproval of the plan.

The Staff Recommends: Reapproval, subject to the original conditions, and revising the following condition:

3. Urban Forester's approval of tree preservation plan and required street tree information.

Staff Presentation – Mr. Jarman presented the amended preliminary subdivision plan for Patchen Wilkes, Unit 1, for property located at 1811 Winchester Road.

Mr. Jarman explained the location of this property, and said that the Planning Commission originally approved this item on January 13, 2005, subject to the conditions listed on today's agenda. He noted that this plan was certified on June 9, 2006, but Commission approval has since expired for the undeveloped portion of the development. The applicant is now requesting reapproval of the plan, and he said that the staff is recommending reapproval, subject to the original conditions, but revising the following condition:

3. Urban Forester's approval of tree preservation plan and required street tree information.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He said that they are in agreement with the staff's recommendations and requested reapproval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Blanton, seconded by Ms. Mundy, and carried 8-0 (Brewer, Penn and Wilson absent) to reapprove PLAN 2005-3P: PATCHEN WILKES, UNIT 1 (AMD), subject to the original conditions, and revising the following condition:

3. Urban Forester's approval of tree preservation plan and required street tree information.

- d. PLAN 2006-74P: PATCHEN WILKES, UNIT 2A (1/2/13)* - located at 1811 Winchester Road (a portion of).
(Council District 6) **(EA Partners)**

Note: The Planning Commission originally approved this plan on May 11, 2006, and granted a one-year extension on May 10, 2007, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping, arterial screening and required street tree information.
4. Approval of street names by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Greenspace Planner's approval of the treatment of greenways/bike trails.
7. Resolve the timing of Thunderstick Drive construction.
8. Show 400' spacing for access.

Note: This plan was certified on May 9, 2008, but Commission approval has since expired for the undeveloped portion of the development.

Note: The applicant now requests reapproval of the plan.

* - Denotes date by which Commission must either approve or disapprove request.

The Staff Recommends: **Reapproval**, subject to the original conditions, and revising the following conditions:

3. Building Inspection's approval of landscaping, and arterial screening ~~and required street tree information~~.
5. Urban Forester's approval of tree preservation plan and required street tree information.

Staff Presentation – Mr. Jarman presented the preliminary subdivision plan for Patchen Wilkes, Unit 2A, for property located at 1811 Winchester Road.

Mr. Jarman noted the location of this subject property. He said that the Planning Commission originally approved this item on May 11, 2006, and granted a one-year extension of it on May 10, 2007, subject to the conditions listed on today's agenda. He noted that this plan was certified on May 9, 2008, but Commission approval has since expired for the undeveloped portion of the development. The applicant is now requesting reapproval of the plan. He said that the staff is recommending reapproval, subject to the original conditions, and revising the following two conditions:

3. Building Inspection's approval of landscaping, and arterial screening ~~and required street tree information~~.
5. Urban Forester's approval of tree preservation plan and required street tree information.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He said that they are in agreement with the staff's recommendations and requested reapproval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Blanton, seconded by Ms. Beatty, and carried 8-0 (Brewer, Penn and Wilson absent) to reapprove PLAN 2006-74P: PATCHEN WILKES, UNIT 2A, subject to the original conditions, and revising the following two conditions:

3. Building Inspection's approval of landscaping, and arterial screening ~~and required street tree information~~.
5. Urban Forester's approval of tree preservation plan and required street tree information.

2. FINAL SUBDIVISION PLAN

Note: The next two items were heard simultaneously.

- a. PLAN 2012-108F: HAMBURG PLACE OFFICE PARK, LOTS 4, 5 & 13 (AMD) (12/25/12)* - located at 1744 Alysheba Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide 1 lot into 3 lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Approval of street names by e911 staff.
 5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 7. Delete note #7 (redundant).
 8. Denote all final record plat information for adjoining properties along western property boundary.
 9. Denote as amended in plan title.
 10. Provided the Planning Commission grants a waiver to Article 6-8 (street geometrics) of the Land Subdivision Regulations.
 11. Review by the Technical Committee prior to certification.
- b. DP 2012-82: HAMBURG PLACE OFFICE PARK, LOT 4 (AMD) (12/3/12)* - located at 1744 Alysheba Way (a portion of). (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to add office development and eliminate the extension of a public street on Lot 4.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.

* - Denotes date by which Commission must either approve or disapprove request.

6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Provided the Planning Commission grants a waiver to Article 6-8 of the Land Subdivision Regulations regarding street termination.
10. Revise plan information or certify and record PLAN 2011-25F prior to plan certification.
11. Certify and record final record plat PLAN 2012-108 prior to development plan certification.
12. Discuss possible need for turn lane improvements to Alysheba Way and/or Pink Pigeon Parkway.

Staff Presentation – Mr. Martin presented the amended final record plat and the final development plan for a portion of the Hamburg Place Office Park (PLAN 2012-108F and DP 2012-82). These plans involve properties located at 1744 Alysheba Way (a portion of).

Mr. Martin presented an aerial photograph to the Commission and oriented them to the overall area and to the surrounding street system. He then reported that the purpose of the final record plat is to subdivide one lot to create three lots, west of Alysheba Way. He said that Lot 4 is approximately 3.30 acres in size; Lot 5 is approximately 9.83 acres and Lot 13 is approximately 8.75 acres. He then said that the development plan is proposing a 97,500 square-foot three-story office building on Lot 4. There will be associated parking on site, and access for this development will be located at the intersection of Vendor Way and Alysheba Way. He noted that the University of Kentucky Credit Union hopes to be developing this site in the future.

Mr. Martin directed the Commission's attention to the list of conditions associated with PLAN 2012-108F, and said that the Subdivision Committee had recommended conditional approval of this item. He briefly explained that conditions #1-6 are standard sign-off conditions from the different utilities and divisions of the LFUCG; and conditions #7 -9 are "clean-up" items that need to be addressed by the applicant's engineer. He noted that the applicant had requested a waiver of Article 6-8(b) of the Land Subdivision Regulations (condition #10); and since this plan was submitted as a "late plan," it will need to be reviewed by the Technical Committee prior to certification (condition #11).

Mr. Martin then directed the Commission's attention to the listed of conditions associated with DP 2012-82, and said that the Subdivision Committee had recommended approval of this item as well. He briefly explained that conditions #1-8 are standard sign-off conditions from the different utilities and divisions of the LFUCG; and conditions #10 and #11 are "clean-up" items that need to be addressed by the applicant's engineer. He added that the applicant had also requested a waiver to Article 6-8(b) of the Land Subdivision Regulations (condition #9). He added that a discussion item from a previous plan had carried over to this development plan, as well (condition #12), and said that the initial discussion dealt with the possible need for turn lane improvements to Alysheba Way and/or Pink Pigeon Parkway. He said that the staff recently learned that the LFUCG would be taking responsibility for all those improvements to Alysheba Way and/or Pink Pigeon Parkway; therefore, condition #12 could now be deleted.

Waiver Presentation – Mr. Martin said that the requested waiver of Article 6-8(b) of the Land Subdivision Regulations, which governs street termination, would affect the intersection of Alysheba Way and Vendor Way in the southwest corner of the Hamburg Place Office Park. He then said that the requested waiver would allow the termination of Alysheba Way at the driveway entrance to the proposed office development. He noted that previously the approved plans had Alysheba Way extending into the property and terminating in a cul-de-sac. With the proposed layout of this development the termination of this street is not necessary. Mr. Martin said that the applicant has proposed to define the transition from public street to private property with a concrete band and crosswalk of an alternative paving material that will be clearly visible from the intersection of Alysheba Way and Vendor Way. In addition, the intersection will now become a three-way stop with the installation of stop signs.

Mr. Martin said that the staff is in agreement with the applicant that the construction of a street extension and cul-de-sac would constitute a hardship for the applicant relative to the proposed office development of the subject property. He added that the Planning Staff had conferred with the Division of Traffic Engineering, and they are in agreement that the requested waiver will not negatively impact public health and safety, in this instance. He noted that this is similar to a few other waiver requests the Planning Commission had granted where large lot developments have been proposed.

Mr. Martin said that the staff is recommending approval of the requested waiver of Article 6-8(b), for the following reasons:

1. Not granting the waiver would constitute a hardship for the applicant based on the proposed office development of the subject site. Otherwise, the construction of a short section of public roadway and a cul-de-sac would be required of this applicant without the waiver.
2. The proposed street design is consistent with the basic intent of the Land Subdivision Regulations, so long as it is signed for three-way stop.

This recommendation is made subject to the following additional requirements:

- a. Denote the crosswalk and other features to be constructed to demonstrate the public/private pavement transition on the Development Plan.
- b. Denote the additional signage and crosswalks to the approval of the Division of Traffic Engineering.

Representation – Matt Carter, Vision Engineering, was present representing the applicant. He said that they are in agreement with the staff's recommendations; however, he asked for clarification of condition #11 recommended for the final development plan. Mr. Martin replied that the plat must be recorded due to a previously approved lot line on a different plat not matching what is now being proposed on this amended development plan. He then said that the staff is requesting that the plat be recorded to create the proposed lotting pattern shown on the development plan. He added that there are three existing plats for this development and the staff wants all of those lot lines to match.

Mr. Owens asked if Mr. Carter was agreeable to what Mr. Martin had explained. Mr. Carter replied affirmatively.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 8-0 (Roche-Phillip abstained; Brewer, Penn and Wilson absent) to approve PLAN 2012-108F, subject to all the conditions listed on today's agenda, including granting the waiver of Article 6-8(b) of the Land Subdivision Regulations, as presented by the staff.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 8-0 (Brewer, Penn and Wilson absent) to approve DP 2012-82, subject to all the conditions listed on today's agenda, deleting condition #12, and including granting the waiver of Article 6-8(b) of the Land Subdivision Regulations, as presented by the staff.

Note: The next two items were heard simultaneously.

- c. PLAN 2006-151F: GLEN CREEK, UNIT 3-C, SECTION 1 (DOVE CREEK) (1/2/13)* – located at 1145 Appian Crossing Way. (Council District 8) **(Thoroughbred Engineering)**

Note: The Planning Commission originally approved this plan on August 10, 2006, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street names by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Correct adjacent property information.
8. Provided all appropriate access easements are recorded to serve the properties.
9. Provided the Planning Commission makes a finding according to Article 6-8(m) and grants a waiver of Article 6-4(c) of the Land Subdivision Regulations.

The Planning Commission made a finding according to Article 6-8(m) and granted a waiver of Article 6-4(c) of the Land Subdivision Regulations, for the following reasons:

- a. The proposed use of access easements is consistent with previously approved plans utilizing access easements as approved by the Planning Commission on a final development plan.
- b. Requiring public streets at this time would constitute an undue hardship for the applicant.

Note: The applicant now requests reapproval of the plan.

The Staff Recommends: Reapproval, subject to the original conditions, revising the following conditions:

3. Building Inspection's approval of landscaping ~~and required street tree information~~.
5. Urban Forester's approval of tree ~~preservation~~ protection plan and required street tree information.

- d. DP 2006-103: GLEN CREEK, UNIT 3 (DOVE CREEK) (AMD.) (10/12/06)* – located at 1145 and 1156 Appian Crossing Way. **(Thoroughbred Engineering)**

Note: The Planning Commission originally approved this plan at their August 10, 2006, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Urban Forester's approval of tree preservation plan.

* - Denotes date by which Commission must either approve or disapprove request.

5. Greenspace Planner's approval of the treatment of greenways/bike trails.
6. Environmental Planner's approval of environmentally sensitive area(s).
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Solid Waste's approval of refuse collection.
9. Approval of street names and addresses per e911 staff.
10. Correct site statistics (parking and floor area ratio).
11. Provided the Planning Commission grants a waiver of Article 6-4(c) of the Land Subdivision Regulations.

The Planning Commission granted a waiver of Article 6-4(c) of the Land Subdivision Regulations, for the following reasons:

- a. The proposed use of access easements is consistent with previously approved plans utilizing access easements as approved by the Planning Commission on a final development plan.
- b. Requiring public streets at this time would constitute an undue hardship for the applicant.

Note: The applicant now requests a reapproval of this plan, following their withdrawal of DP 2012-8, approved for this site earlier this year.

The Staff Recommends: **Reapproval**, subject to the original conditions, and adding the following conditions.

12. Denote possible variances for units 1-23 on plan.
13. Revise configurations of floodplain or revise building locations, as necessary.

Staff Presentation – Mr. Martin presented the final development plan as well as the amended development plan for Glen Creek Property (PLAN 2006-151F and DP 2006-103). This property is located at 1145 and 1156 Appian Crossing Way.

Mr. Martin presented both plan renderings, and oriented the Commission to the overall area and to the surrounding street system. He then reported that this site had been proposed as an assisted living facility earlier this year (DP 2012-8); but due to the lack of funding, that proposal was withdrawn. He added that the applicant is seeking a reapproval of the Commission's original approval to develop this area as a townhouse development.

Mr. Martin directed the Commission's attention to PLAN 2006-151F, and said that the Planning Commission originally approved this item on August 10, 2006, subject to the conditions listed on today's agenda. He then said that, along with their approval, the Planning Commission also made a finding authorizing an access easement according to Article 6-8(m), as well as granted a waiver to Article 6-4(c) of the Land Subdivision Regulations. The staff is recommending reapproval of PLAN 2006-151F, subject to the original conditions, revising the following two conditions:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
5. Urban Forester's approval of tree ~~preservation~~ protection plan and required street tree information.

Mr. Martin then directed the Commission's attention to DP 2006-103, and said that the Planning Commission originally approved this item on August 10, 2006, subject to the conditions listed on today's agenda. He then said that, along with their approval, the Planning Commission also granted a waiver to Article 6-4(c) of the Land Subdivision Regulations. The staff is also recommending reapproval of DP 2006-103, subject to the original conditions, and adding the following conditions.

12. Denote possible variances for units 1-23 on plan.
13. Revise configurations of floodplain or revise building locations, as necessary.

Representation – Rob Simms, Santa Barbara Development Co., was present representing the applicant. He said that they are in agreement with the staff's recommendations and requested reapproval for PLAN 2006-151F and DP 2006-103.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Berkley, seconded by Ms. Plumlee, and carried 8-0 (Brewer, Penn and Wilson absent) to reapprove PLAN 2006-151F, subject to the original conditions, revising the following conditions:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
5. Urban Forester's approval of tree ~~preservation~~ protection plan and required street tree information.

Action - A motion was made by Mr. Berkley, seconded by Ms. Plumlee, and carried 8-0 (Brewer, Penn and Wilson absent) to reapprove DP 2006-103, subject to the original conditions, and adding the following conditions.

12. Denote possible variances for units 1-23 on plan.
13. Revise configurations of floodplain or revise building locations, as necessary.

- e. PLAN 2008-77F: EAST BRIDGEFORD LAND & DEV. CO., (KINGSTON HALL), PHASE 1, UNIT 2 (1/2/13)* - located at 2356 Newtown Pike. (Council District 12)
(EA Partners)

* - Denotes date by which Commission must either approve or disapprove request.

Note: The Planning Commission originally approved this plan on July 10, 2008, granted a reapproval on September 10, 2009, and granted a one-year extension on September 9, 2010, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street names and/or addresses per the street addressing office.
5. Addition of utility and streetlight easements, as required by the utility companies, the Urban County Engineer and the Urban County Traffic Engineer.
6. Identify existing access easements to remaining tract to the east.
7. Verify exaction information.
8. Denote required buffer along the Urban Service Area Boundary (conditional zoning).
9. Correct Newtown Pike cross-section.
10. Resolve the possible need for a final development plan to be approved by the Planning Commission.
11. Resolve access easement.
12. Board of Health Department's approval of septic tank system prior to certification.

Note: The applicant now requests reapproval of the plan.

The Staff Recommends: **Reapproval**, subject to the original conditions, revising the following, and adding the following conditions:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
13. Urban Forester's approval of required street tree information.
14. Revise boundary of EAMP scenic easement per approved plans.

Staff Presentation – Mr. Martin presented the final development plan for the East Bridgeford Land & Development Company property located at 2356 Newtown Pike. He directed the Commission's attention to the plat rendering, and oriented them to the overall area and to the surrounding street system. He then reported that the Planning Commission originally approved this plan on July 10, 2008, granted a reapproval on September 10, 2009, and granted a one-year extension on September 9, 2010, subject to the conditions listed on today's agenda. He said that the staff is recommending reapproval of this plan, subject to the original conditions, revising the following conditions:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
- And adding the following conditions:
13. Urban Forester's approval of required street tree information.
 14. Revise boundary of EAMP scenic easement per approved plans.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He said that they are in agreement with the staff's recommendations and requested reapproval of PLAN 2008-77F.

Audience Comment – The Chair asked if anyone in the audience wished to discuss these plans. There was no response.

Action - A motion was made by Ms. Beatty, seconded by Mr. Cravens, and carried 8-0 (Brewer, Penn and Wilson absent) to reapprove PLAN 2008-77F, subject to the original conditions, revising the following, and adding the following condition:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
13. Urban Forester's approval of required street tree information.
14. Revise boundary of EAMP scenic easement per approved plans.

3. **FINAL DEVELOPMENT PLANS**

- a. DP 2012-83: LEXINGTON MEDICAL ARTS PROFESSIONAL, INC., LOT 3 (AMD) (12/3/12)* - located at 2368 Professional Heights Drive. (Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to delete office space and add an extended-stay hotel.

The Subdivision Committee Recommended: **Postponement.** There are remaining questions about storm water drainage improvements that may be needed on the northeast ½ of the subject property, due to the increase in impervious surfaces that are proposed.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.

* - Denotes date by which Commission must either approve or disapprove request.

5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Denote construction access locations.
11. Remove sign from plan.
12. Remove hatching on building to improve legibility.
13. Complete existing access drive to Trader Joe's parking lot as per the approved development plan.
14. Relocate dumpster location to be further away from adjacent single family homes.
15. Denote Board of Adjustment approval of conditional use permit prior to plan certification.
16. Discuss stormwater detention concept and/or basin location on the northeast corner of the extended-stay hotel lot.

Staff Presentation – Mr. Taylor presented the final development plan for Lexington Medical Arts Professional, inc., Lot 3, which is located at 2368 Professional Heights Drive. He directed the Commission's attention to the rendering, and oriented them to the overall area and to the surrounding street system. He noted that the access will be provided by way of East Lowry Lane and Nicholasville Road.

Mr. Taylor reported that the purpose of this amendment is to delete office space and add an extended-stay hotel, which would consist of a four story building with 105 rooms and 128 associated parking spaces on the site. He said that the property is split zoned as the area toward Nicholasville Road is zoned B-1 and the majority of the subject property to the rear is zoned P-1. He added that the proposed extended-stay hotel has been oriented in an effort to preserve two large Bur Oak trees and to establish a tree protection area between this site and the nearby residential area.

Mr. Taylor said that the Subdivision Committee had recommended postponement of this request due to questions about storm water drainage improvements that may be needed on the northeast ½ of the subject property, due to the increase in impervious surfaces that are being proposed. He then said that on October 9th, the staff had met with the Division of Engineering regarding the plans submitted previously for the storm water detention area; and based upon that review, the staff recommends approval of this final development plan.

Mr. Taylor directed the Commission's attention to the following revised staff recommendation for this plan:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Denote construction access locations.
10. Remove sign from plan.
11. Remove hatching on building to improve legibility.
12. Complete existing access drive to Trader Joe's parking lot as per the approved development plan.
13. Relocate dumpster location to be further away from adjacent single family homes.
14. Denote Board of Adjustment approval of conditional use permit prior to plan certification.
15. ~~Discuss~~ Identify the stormwater detention concept and/or basin location on the northeast corner of the extended-stay hotel lot.
16. Resolve the walking track conflict with the stormwater detention area to the approval of Division(s) of Engineering and Water Quality.

Mr. Taylor briefly explained that conditions #1-8 are standard sign-off conditions from the different divisions of the LFUCG; and the remaining conditions are "clean-up" items that need to be addressed by the applicant's engineer. He said that condition #15 has been modified to identify the stormwater basin location on the northeast corner of the lot, and a new condition #16 has been added to resolve the walking track conflict with the stormwater detention area to the approval of Division(s) of Engineering and Water Quality. He added that this proposal will require the Board of Adjustment approval of a conditional use permit prior to plan certification (condition #14).

Representation – Roger Ladenburger, Wheat & Ladenburger, was present representing the applicant. He said that they are in agreement with the staff's revised recommendations and requested approval of DP 2012-83.

Objector – Mary Ware, 2347 Heather Way, was present to object. She indicated that her property is adjacent to this proposed development, and she was present on behalf of other property owners that reside on Lowry Lane

and Heather Way. She said that they believe their properties will be negatively impacted by this proposal; and as of October 10th, the majority of the residents were in opposition to this request.

Ms. Ware said that there are properties in this area with basements and yards have been flooded, as well as manhole covers on Heather Way are being lifted from the force of the water going through the lines. She then said that they are not confident that more water draining from this proposed development will be adequately contained and redirected from their homes. She added that she was told that there have been slight changes as a result of Trader Joe's since the 2002 stormwater study; but those changes have not yet been identified, addressed or submitted to LFUCG engineers. The impact that this development may have on their properties is unknown at this time.

Ms. Ware said that the property owner had suggested a continuation of Trader Joe's buffering around their properties, but that proposal has not been formally defined. She then said that they believe that that type of buffering would not adequately address the issues of light or noise that would be generated from this proposed development. She added that the buffering would not address the privacy and security to the satisfaction of the adjacent home owners. Ms. Ware said that the residents of this area are asking that the existing natural buffering along the fence line remain in place and be preserved. She then said that the number of stories, as well as the walking trail, would interfere with the residents' privacy and could result in a potential increase in crime.

Ms. Ware said that this is a peaceful, established neighborhood, and the potential impact from this development would disrupt their community. She then said that the increase in traffic from the multiple events Lexington holds would impede the traffic flow, creating a bottleneck on East Lowry Lane. She added that the people who currently use the parking lot would be forced to park on the street, which will also hinder the traffic flow on East Lowry Lane. She said that traffic exiting this development would need to turn right toward the neighborhood and make their way back toward Nicholasville Road to exit. This increases the traffic flow in the nearby neighborhood.

Ms. Ware said that it is still being suggested that the dumpster location to face the residents; and the applicant has not yet addressed this concern, which was initially raised at the Technical Committee Review (condition #13). She then said that there are already existing dumpsters adjacent to the residential neighborhood, and adding more was not acceptable to them. She added that dumpsters create excessive noise from the weekly pickups, it brings unwanted vermin, and there will be foul odors associated with the everyday trash.

Ms. Ware said that the purpose of the amendment is to add buildable area and revise the parking and circulation for multiple properties, but it is still unclear what type of use would be allowed on the vacant lot near her house (2337 Heather Way). When reviewing the development plan, she said that note #3 reads: "Access to this property shall be limited to the points indicated hereon or as may be amended." She added that note #11 reads: "There shall be no access to Heather Way from this property." Note #14 reads: "Lot 1, 2337 Heather Way, zoned R-1C, may be developed as a single family use without further amendment of this development plan." Ms. Ware said that the neighborhood is concerned with the future use of this lot, and asked if Lot 1 would be made available as a future buildable area, a parking lot or even a pass through to Heather Way. She then asked if Lot 1 could be proposed for a zone change in the future or if it would remain a single family dwelling unit.

In conclusion, Ms. Ware said that this property is currently zoned P-1 with professional offices. The offices near the neighborhood are one level, while the offices closer to Nicholasville Road are two levels. The hours of operation are Monday through Friday, 8 am to 5 pm, which means no one is present during the evening or on the weekends. She said that the neighborhood believes having this type of operation at the edge of their community is inappropriate and, for the previous reasons, they object to this proposal.

Planning Commission Questions – Ms. Plumlee asked if the proposed landscaping is sufficient to address the neighborhood's concerns that were raised. Mr. Taylor said that the staff has requested that the full perimeter of the existing tree line, in addition to the two Bur Oaks, be designated as tree protection areas. Ms. Plumlee asked how tall the two Bur Oaks are. Mr. Taylor said that the height is unknown, but they are very mature trees.

Mr. Berkley asked if Lot 1 needs to be included in this development plan. Mr. Taylor said that, historically, Lot 1 has been part of this development, and has been shown on every amended development plan. He then said that, in reviewing the stormwater plan, Lot 1 may have been added to handle the additional stormwater flow. He added that the notes on the development plan are very clear in stating there will be no access to Heather Way and no other development, besides single family, will be placed on Lot 1. He said that the staff is comfortable with Lot 1 remaining on the development plan since the restrictions listed make it very clear what can or can not be done on Lot 1.

Ms. Roche-Phillips asked, since this request will require a conditional use permit, why the Commission is reviewing this request prior to the Board of Adjustment recommendation. Mr. Sallee said that the applicant had submitted the application for the conditional use permit prior to submitting this application for the development plan. He then said that the Board of Adjustment application was postponed at the September meeting and is now scheduled to be heard in late October. Ms. Roche-Phillips asked why the Commission is being asked to approve the conditional use permit. Mr. Sallee said that the Commission is not being asked to approve the conditional use permit. Ms. Roche-Phillips

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said that the Commission is being asked to approve the development, which shows the conditional use. Mr. Sallee replied affirmatively, and said that the development plan is proposing to change the approved buildings and in order to construct this facility; the applicant will need the BOA approval, as well as the Commission's approval. He added that he believed that the BOA would be seeing this same development plan being presented to the Commission at today's meeting. Ms. Roche-Phillips said that her concern was with the BOA seeing a site plan and the Commission seeing the development plan, and she believes that it is premature for the Commission to make a decision on this request without the BOA decision being known.

Ms. Beatty said that the Commission had recently seen a similar request regarding a hotel being proposed next to a residential area, and asked what the difference is between the previous request and this request. Mr. Taylor said that the previous request involved a zone change request and a conditional use permit was not required for that proposal. He then said that the difference between that zone change request and this proposal is that the hotel associated with the zone change had six floors whereas this proposal has fewer floors, and a lower height. He added that he could not recall the distance that the zone change had shown from the residential area, but the distance for this proposal is 48 feet from the Lowry Lane properties. The previous development plan for the subject site was approved for two P-1 office buildings with a four-story building being right up against the tree area and a three-story building adjacent to the residential area.

Ms. Beatty said that Ms. Ware had mentioned the buffering between the residential area and this proposal not being adequate, and asked for clarification as to how this will be addressed. Mr. Ladenburger said that the landscape ordinance requires buffering between a residential use and a professional use through two options: either two 6-foot hedges with trees or a 6-foot fence. He then said that there are storm sewer lines along the residential side, which is causing landscape buffering limitations, so the applicant has opted to have a 6-foot solid fence between the two uses, as well as to preserve the tree line along the northern and eastern boundaries. Mr. Taylor added that, even though the landscape screening is not actually shown on the development plan, there is a note on the development plan denoting that landscape screening will be met, which is then approved by the Division of Building Inspection.

Ms. Mundy said that traffic was a concern to the neighborhood, and asked if this type of use would be less than what an office building would generate. Mr. Ladenburger replied affirmatively, and said that this will be an extended-stay hotel with 105 rooms, and the average guest stay is a week. He then said that traffic volume from this type of use is considerably less than the office building that the Commission had approved on a previous development plan.

Mr. Owens noted that Mr. Ladenburger had said that they would not let the dumpster location stand in the way of an approval and asked for clarification with resolving the dumpster issue. Mr. Taylor said that condition #13 does require the applicant to relocate the dumpster further away from adjacent single family homes, and the applicant does understand that this condition must be met prior to this plan being certified.

Mr. Owens asked if the issue with the light spillage would be taken care of through a condition. Mr. Taylor said that the light spillage is not handled through the signoffs, but a note could be added to the development plan to direct the lights away from the residential area. Mr. Sallee added that when a commercial use abuts a neighborhood, the ordinance requires the lights to be directed away from the residential area.

Mr. Owens said that at the Subdivision Committee meeting Captain Bowen had said the traffic island on East Lowry Lane was tight, but navigable; and asked if there had been any discussions regarding the removal of the island. Mr. Taylor said that the staff had not discussed the removal of the island. Captain Bowen said that the applicant had agreed to remove the island so emergency vehicles could gain access to the property. Mr. Owens asked if that issue would be covered under a signoff. Mr. Taylor replied affirmatively.

Mr. Berkley asked, if the Commission were to go ahead and make their decision before the Board of Adjustment hearing; and if any changes were to be made at that hearing, if this request would need to come back to the Commission to be amended. Mr. Taylor replied that would not necessarily be so, and said that there was a similar situation with a previous request where the applicant had received approval from the Commission before the BOA approval. At that time, the BOA had required changes to the site plan, which carried over to the development plan. Any minor changes could be handled through a minor plan amendment, which the Commission does not ordinarily review.

Rebuttal – Ms. Ware said that the neighborhood traffic flow would be impacted, especially during any special events that are held in Lexington. She then said that with the current office uses, this area is quiet during the evenings and on the weekends, unlike what could happen with the proposed use when it is rented at its highest capacity. She asked for a determination to be made regarding a barrier between the residential properties and the applicant's property to prevent any lights and noise from spilling over. This issue had not been addressed by the applicant; it was only mentioned during meetings between the applicant and the neighbors. She added that her property sits lower than the applicant's property, and a 6-foot fence would not change anything. She said that there is a larger sewer line at the back of the property, so she does not see how a fence would be installed.

Planning Commission Questions – Mr. Owens said that at the Subdivision Committee meeting the installation of the fence was briefly explained, and asked for more clarification. Mr. Ladenburger said that the fence would be a

continuation of the solid wood fence that was placed on Trader Joe's property. He then said that if there is a grade problem it is possible that the fencing could be 8 feet instead of the 6 feet in height. Ms. Ware said that 509 parking spaces are required for this entire development, and the rendering shows 9 parking spaces along the residential side, and the neighborhood is requesting that those be removed for a walking trail that leads away from their homes.

Ms. Roche-Phillips said that the Commission has until December 3rd to take action on this request, and asked if this item could be continued to the November meeting to allow the BOA to make their decision. She then said that there are a number of issues that have not been addressed by the Board of Adjustment. Ms. Plumlee agreed.

Mr. Cravens asked, if the Commission did not make a recommendation on this request, what the BOA review would be based on. Ms. Roche-Phillips said that they would deal with the height of the building, the parking spaces, lights and so forth. Mr. Cravens asked how the BOA can make a determination if the Commission does not approve this request. He then said that this is how the Commission has handled these requests in the past. Ms. Roche-Phillips said that in the past there have never been neighbors present in opposition. Mr. Cravens said that these requests are sent to the BOA, who then makes a decision on a request; and without an approved plan to consider, it would waste the BOA's time. Ms. Roche-Phillips said that the applicant would be presenting a site plan to the BOA, and said that she is uncomfortable with locking things in and potentially using the Commission's approval of a development plan as leverage for an approval of a conditional use permit.

Action - A motion was made by Ms. Roche-Phillips, seconded by Ms. Plumlee, to continue DP 2012-83 to the November 8, 2012, Planning Commission meeting.

Discussion of Motion – Mr. Cravens said that if the BOA approves this request first, and changes are then made that result in the Commission's denial, the applicant has no recourse to submit the request back to the Commission. Ms. Roche-Phillips said that that would not happen. Mr. Cravens said that the Commission does not know what would happen.

Mr. Owens said that a continuation for this request is viable; and had the request not been postponed by the BOA in September, the Commission would be reviewing this request "after the fact."

The motion carried 6-2 (Cravens and Mundy opposed; Brewer, Penn and Wilson absent).

Mr. Owens made note that DP 2012-83 had been continued to the November meeting; and at that time, the Commission would hear only new evidence pertinent on this case, adding that they would not be reiterating anything that was not necessary to the case.

C. PERFORMANCE BONDS AND LETTERS OF CREDIT – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Mr. Cravens, seconded by Ms. Roche-Phillips, and carried 8-0 (Brewer, Penn and Wilson absent) to approve the release and call of bonds as detailed in the memorandum dated October 11, 2012, from Ron St. Clair, Division of Engineering.

3. FINAL DEVELOPMENT PLANS (continued)

- b. DP 2006-69: GREENDALE HILLS, UNIT 2 (A PORTION OF) (AMD) (1/2/13)* – located at 2930 Spurr Road.
(Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 9, 2006, and reapproved it at their December 13, 2007, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace Planner's approval of the treatment of greenway/bike trails and pedestrian movement.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Solid Waste's approval of refuse collection.
8. Approval of street addresses by e911 staff.
9. Correct spelling of street name (Amaryllis Lane).
10. Clarify parking and other site statistics.
11. Denote that the connection of Lucille Drive will be in the first phase of the development.

Note: This plan was certified on April 14, 2008, but Commission approval of the Preliminary Subdivision Plan portion has since expired for the undeveloped portion of the development.

Note: The applicant now requests a reapproval of this plan.

* - Denotes date by which Commission must either approve or disapprove request.

The Staff Recommends: **Reapproval**, subject to the original conditions.

Staff Presentation – Ms. Gallt presented the amended final development plan for Greendale Hills, Unit 2, involving property located at 2930 Spurr Road. She noted the location of this property, and said that the Planning Commission originally approved this plan on November 9, 2006. They reapproved it at their December 13, 2007 meeting, subject to the conditions listed on today's agenda. She said that this plan was certified on April 14, 2008, but Commission approval of the Preliminary Subdivision Plan portion of this plan has since expired for the undeveloped portion of the development. She added that the staff is recommending reapproval of this plan, as requested by the applicant.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He said that they are in agreement with the staff's recommendations and requested reapproval of DP 2006-69.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Blanton, seconded by Ms. Mundy, and carried 8-0 (Brewer, Penn and Wilson absent) to reapprove DP 2006-69, subject to the original conditions.

VI. **COMMISSION ITEM** – The Chair will announce that any item a Commission member would like to present will be heard at this time.

A. **UPCOMING WORK SESSION** – The Chair reminded the Commission members of the upcoming work session scheduled for October 18, 2012.

VII. **STAFF ITEMS** – The Chair will announce that any item a Staff member would like to present will be heard at this time.

VIII. **AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will **NOT** be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	October 18, 2012
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	October 24, 2012
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	October 25, 2012
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	November 1, 2012
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	November 1, 2012
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	November 8, 2012

X. **ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 3:37 PM.

Mike Owens, Chair

Lynn Roche-Phillips, Secretary